S.B.CRIMINAL MISC. BAIL APPLICATION NO.4795/2007

(Ajay vs. State of Rajasthan)

DATE OF ORDER : September 26, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.B.S.Rathore for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

It is contended by the learned counsel for the petitioner that similarly situated co-accused Amit Kumar has been granted anticipatory bail by this Court vide order dt. 21.9.2007 and the case of the present petitioner is not distinguishable from that of co-accused, who has been granted bail.

It appears from the order dt. 21.9.2007 that Virendra is the owner of the tanker, who alleged to have mixed the colour with the kerosene oil and got the tanker loaded from Jaipur. The petitioner is resident of New Delhi and his presence had not been shown at Jaipur.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by learned

counsel for the parties, I consider it just and proper to grant anticipatory bail to the petitioner.

Accordingly, the bail application filed by the petitioner under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Ajay s/o Ajeet Singh in CR. No.80/2007, Police Station, Luni (Jodhpur), he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-